

(b) Notwithstanding any other provision of this title, the commission has only the authority provided by this section over a deregulated company that holds a certificate of operating authority issued under this subchapter. Subject to Subsection (c), the following provisions apply to a deregulated company and may be enforced by the commission using the remedies provided by Subchapter B, Chapter 15, and Subsection (d):

- (1) Subchapter A, Chapter 15;
- (2) Subchapters A, C, and D, Chapter 17, as applicable to carriers holding a certificate of operating authority;
- (3) Sections 52.007, 52.060, and 52.156;
- (4) Sections 54.001, 54.002, 54.003, 54.004, 54.005, 54.006, 54.008(a), 54.101, 54.102, 54.103, 54.105, 54.151, 54.156, 54.158, 54.159, 54.255, 54.256, 54.257, 54.259, 54.260, and 54.261;
- (5) Sections 55.010, 55.015, 55.123, 55.133, 55.134, 55.136, and 55.137;
- (6) Chapter 56, except Subchapters F and G;
- (7) Chapter 60;
- (8) Chapter 62;
- (9) Subchapter E, Chapter 64;
- (10) Sections 65.001, 65.002, 65.003, and 65.004, this subchapter, and Subchapter E of this chapter; and
- (11) Chapter 66.

(c) Nothing in this subchapter affects the continuing applicability of the following provisions of this title:

- (1) Sections 51.003 and 51.010(c);
- (2) Section 52.002(d);
- (3) Sections 54.204, 54.205, and 54.206; and
- (4) Section 65.051.

(d) The commission may hear complaints of retail and wholesale customers against deregulated companies that are in the scope of the commission's authority provided by this section. ~~[Except as provided by Subsection (c), in each deregulated market, a deregulated company shall make available to all residential customers uniformly throughout that market the same price, terms, and conditions for all basic and non-basic services, consistent with any pricing flexibility available to such company.]~~

~~[(e) A deregulated company may offer to an individual residential customer a promotional offer that is not available uniformly throughout the market if the company makes the offer through a medium other than direct mail or mass electronic media and the offer is intended to retain or obtain a customer.]~~

SECTION 6. Section 55.012, Utilities Code, is repealed.

SECTION 7. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 15, 2013: Yeas 145, Nays 0, two present not voting.

Approved May 28, 2013.

Effective September 1, 2013.

CHAPTER 211

H.B. No. 5

AN ACT

relating to public school accountability, including assessment, and curriculum requirements; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) Section 7.010(c), Education Code, is amended to read as follows:

(c) The electronic student records system must permit an authorized state or district official or an authorized representative of an institution of higher education to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

- (1) course or grade completion;
- (2) teachers of record;
- (3) assessment instrument results;
- (4) receipt of special education services, including placement in a special education program and the individualized education program developed; and
- (5) personal graduation plan as described by Section 28.0212 or 28.02121, as applicable.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 2. (a) Section 7.062(e), Education Code, is amended to read as follows:

(e) The rules must:

- (1) limit the amount of assistance provided through a grant to not more than:
 - (A) for a construction project, \$200 per square foot of the science laboratory to be constructed; or
 - (B) for a renovation project, \$100 per square foot of the science laboratory to be renovated;
- (2) require a school district to demonstrate, as a condition of eligibility for a grant, that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the *distinguished level of achievement under the foundation [recommended and advanced] high school program [programs]* under Section 28.025 [28.025(b–1)(1)]; and
- (3) provide for ranking school districts that apply for grants on the basis of wealth per student and giving priority in the award of grants to districts with low wealth per student.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 3. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.064 to read as follows:

Sec. 7.064. CAREER AND TECHNOLOGY CONSORTIUM. (a) The commissioner shall investigate available options for the state to join a consortium of states for the purpose of developing sequences of academically rigorous career and technology courses in career areas that are high-demand, high-wage career areas in this state.

(b) The curricula for the courses must include the appropriate essential knowledge and skills adopted under Subchapter A, Chapter 28.

(c) If the commissioner determines that joining a consortium of states for this purpose would be beneficial for the educational and career success of students in the state, the commissioner may join the consortium on behalf of the state.

SECTION 4. (a) Section 12.111(b), Education Code, is amended to read as follows:

(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Sections [Section] 28.0212 and 28.02121.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 5. (a) Section 25.083, Education Code, is amended to read as follows:

Sec. 25.083. SCHOOL DAY INTERRUPTIONS. (a) The board of trustees of each school district shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

(b) The board of trustees of each school district shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A

district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 6. (a) The heading to Section 25.092, Education Code, is amended to read as follows:

Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 7. (a) Sections 25.092(a), (a–1), (b), and (d), Education Code, are amended to read as follows:

(a) Except as provided by this section, a student *in any grade level from kindergarten through grade 12* may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

(a–1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade under this subsection without the consent of the judge presiding over the student's case.

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a–1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit or a final grade to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

(d) If a student is denied credit or a final grade for a class by an attendance committee, the student may appeal the decision to the board of trustees. The decision of the board may be appealed by trial de novo to the district court of the county in which the school district's central administrative office is located.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 8. (a) Section 28.002, Education Code, is amended by amending Subsection (c) and adding Subsections (g–1), (g–2), and (o) to read as follows:

(c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels *and to make available to each high school student in the district an Algebra II course.*

(g–1) *A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:*

(1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and

(2) the course or other activity allows students to enter:

(A) a career or technology training program in the district's region of the state;

(B) an institution of higher education without remediation;

(C) an apprenticeship training program; or

(D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.

(g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1). The agency shall make available information provided under this subsection to other districts.

(o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.

(b) This section applies beginning with the 2014-2015 school year.

SECTION 9. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.00222 to read as follows:

Sec. 28.00222. INCREASE IN ADVANCED TECHNOLOGY AND CAREER-RELATED COURSES. (a) Not later than September 1, 2014, the State Board of Education shall ensure that at least six advanced career and technology education or technology applications courses, including courses in personal financial literacy consistent with Section 28.0021 and in statistics, are approved to satisfy a fourth credit in mathematics.

(b) Not later than January 1, 2015, the commissioner shall review and report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with primary responsibility over public primary and secondary education regarding the progress of increasing the number of courses approved for the career and technology education or technology applications curriculum. The commissioner shall include in the report a detailed description of any new courses, including instructional materials and required equipment, if any.

(c) This section expires September 1, 2015.

SECTION 10. (a) Section 28.014, Education Code, is amended to read as follows:

Sec. 28.014. COLLEGE PREPARATORY COURSES. (a) Each school district shall partner with at least one institution of higher education to develop and provide ~~[The commissioner of education and the commissioner of higher education shall develop and recommend to the State Board of Education for adoption under Section 28.002 the essential knowledge and skills of]~~ courses in college preparatory mathematics~~[-science, social studies,]~~ and English language arts. The courses must be designed:

(1) for students at the 12th grade level whose performance on:

(A) ~~[who do not meet college readiness standards on]~~ an end-of-course assessment instrument required under Section 39.023(c) does not meet college readiness standards; or

(B) coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and

(2) to prepare students for success in entry-level college courses.

(b) A course developed under this section must be provided:

(1) on the campus of the high school offering the course; or

(2) through distance learning or as an online course provided through an institution of higher education with which the school district partners as provided by Subsection (a).

(c) Appropriate faculty of each high school offering courses under this section and appropriate faculty of each institution of higher education with which the school district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations. The commissioner of education, in coordination with the commissioner of higher education, may adopt rules to administer this subsection.

(d) Each school district shall provide a notice to each district student to whom Subsection (a) applies and the student's parent or guardian regarding the benefits of enrolling in a course under this section.

(e) A student who successfully completes an English language arts [a] course developed under this section may use the credit earned in the course toward satisfying the advanced English language arts [applicable mathematics or science] curriculum requirement for the foundation [recommended or advanced] high school program under Section 28.025(b-1)(1) [28.025]. A student who successfully completes a mathematics course developed under this section may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Section 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Section 28.025(b-1)(2).

(f) A course provided under this section may be offered for dual credit at the discretion of the institution of higher education with which a school district partners under this section.

(g) Each school district, in consultation with each institution of higher education with which the district partners, shall develop or purchase ~~(e) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course. A student's performance on an end-of-course assessment instrument administered under this subsection may be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.~~

~~[(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (e) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 and 51.3062.~~

~~[(e) The State Board of Education shall adopt] instructional materials for a course developed under this section consistent [in accordance] with Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.~~

~~(h) [(f)] To the extent applicable, a district [the commissioner] shall draw from curricula and instructional materials developed under Section [Sections] 28.008 [and 61.0763] in developing a course and related instructional materials under this section. A [Not later than September 1, 2010, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each] course developed under this section and the related instructional materials shall be made available to students [school districts] not later than the 2014-2015 school year. [As required by Subsection (e), a school district shall adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section not later than the 2014-2015 school year.] This subsection expires September 1, 2015.~~

(b) This section applies beginning with the 2013-2014 school year.

SECTION 11. Section 28.0211, Education Code, is amended by amending Subsection (m) and adding Subsection (m-1) to read as follows:

(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section and Section 28.0217. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner shall consider:

- (1) *the average cost per student per assessment instrument administration;*
- (2) *the number of students that require accelerated instruction because the student failed to perform satisfactorily on an assessment instrument;*
- (3) *whether sufficient funds have been appropriated to provide support to students in grades three through 12 identified as being at risk of dropping out of school, as defined in Section 29.081(d); and*
- (4) *whether sufficient funds have been appropriated to provide instructional materials that are aligned with the assessment instruments under Sections 39.023(a) and (c).*
- (m-1) *For purposes of certification under Subsection (m), the commissioner may not consider Foundation School Program funds except for compensatory education funds under Section 42.152. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section and Section 28.0217, including teacher training for that purpose.*

SECTION 12. (a) The heading to Section 28.0212, Education Code, is amended to read as follows:

Sec. 28.0212. *JUNIOR HIGH OR MIDDLE SCHOOL PERSONAL GRADUATION PLAN.*

(b) This section applies beginning with the 2014–2015 school year.

SECTION 13. (a) Sections 28.0212(a) and (b), Education Code, are amended to read as follows:

(a) A principal of a junior high or middle school shall designate a school [guidance] counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the [a] junior high or[,] middle[, or high] school who:

- (1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or
- (2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.
- (b) A personal graduation plan under this section must:
 - (1) identify educational goals for the student;
 - (2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
 - (3) include an intensive instruction program described by Section 28.0213;
 - (4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
 - (5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.
- (b) This section applies beginning with the 2014–2015 school year.

SECTION 14. (a) Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02121 to read as follows:

Sec. 28.02121. *HIGH SCHOOL PERSONAL GRADUATION PLAN.* (a) *The agency, in consultation with the Texas Workforce Commission and the Texas Higher Education Coordinating Board, shall prepare and make available to each school district in English and Spanish information that explains the advantages of the distinguished level of achievement described by Section 28.025(b–15) and each endorsement described by Section 28.025(c–1). The information must contain an explanation:*

- (1) *concerning the benefits of choosing a high school personal graduation plan that includes the distinguished level of achievement under the foundation high school program and includes one or more endorsements to enable the student to achieve a class rank in the top 10 percent for students at the campus; and*

(2) that encourages parents, to the greatest extent practicable, to have the student choose a high school personal graduation plan described by Subdivision (1).

(b) A school district shall publish the information provided to the district under Subsection (a) on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient. A district is required to provide information under this subsection in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

(c) A principal of a high school shall designate a school counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. The personal graduation plan options reviewed must include the distinguished level of achievement described by Section 28.025(b–15) and the endorsements described by Section 28.025(c–1). Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student.

(d) A personal graduation plan under Subsection (c) must identify a course of study that:

(1) promotes:

(A) college and workforce readiness; and

(B) career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

(e) A school district may not prevent a student and the student's parent or guardian from confirming a personal graduation plan that includes pursuit of a distinguished level of achievement or an endorsement.

(f) A student may amend the student's personal graduation plan after the initial confirmation of the plan under this section. If a student amends the student's personal graduation plan, the school shall send written notice to the student's parents regarding the change.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 15. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0217 to read as follows:

Sec. 28.0217. ACCELERATED INSTRUCTION FOR HIGH SCHOOL STUDENTS. Each time a student fails to perform satisfactorily on an assessment instrument administered under Section 39.023(c), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Section 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

SECTION 16. (a) Section 28.025, Education Code, is amended by amending Subsections (a), (b), (b–1), (b–2), (b–3), (b–4), (b–5), (b–7), (b–9), (b–10), (b–11), and (e) and adding Subsections (b–12), (b–13), (b–14), (b–15), (b–16), (b–17), (b–18), (b–19), (c–1), (c–2), (c–3), (c–4), (c–5), (e–1), (e–2), (e–3), (h), (h–1), and (h–2) to read as follows:

(a) The State Board of Education by rule shall determine curriculum requirements for the foundation ~~[minimum, recommended, and advanced]~~ high school program ~~[programs]~~ that are consistent with the required curriculum under Section 28.002. ~~The [Subject to Subsection (b–1), the]~~ State Board of Education shall designate the specific courses in the foundation curriculum under Section 28.002(a)(1) required under ~~[for a student participating in]~~ the foundation ~~[minimum, recommended, or advanced]~~ high school program. Except as provided by this section ~~[Subsection (b–1)]~~, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the ~~[recommended]~~ program.

(b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c–1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the

endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

(1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and

(2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement ~~[enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student:~~

~~[(1) is at least 16 years of age;~~

~~[(2) has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1); or~~

~~[(3) has failed to be promoted to the tenth grade one or more times as determined by the school district].~~

(b-1) The State Board of Education by rule shall require that[:

~~[(1) except as provided by Subsection (b-2),]~~ the curriculum requirements for the foundation ~~[recommended and advanced]~~ high school program ~~[programs]~~ under Subsection (a) include a requirement that students successfully complete:

(1) ~~[(A)]~~ four credits in English language arts ~~[each subject of the foundation curriculum]~~ under Section 28.002(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);

(2) three credits in mathematics under Section 28.002(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);

(3) three credits in science under Section 28.002(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);

(4) three credits in social studies under Section 28.002(a)(1)(D) ~~[28.002(a)(1)]~~, including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history ~~[to meet the social studies requirement];~~

(5) ~~except as provided under Subsections (b-12), (b-13), and (b-14) [(B) for the recommended high school program]~~, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) ~~[and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A)]; [and]~~

(6) ~~five [(C) for the recommended high school program, six]~~ elective credits ~~[and, for the advanced high school program, five elective credits];~~

(7) ~~[(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and~~

~~[(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete;~~

~~[(A)]~~ one credit in fine arts under Section 28.002(a)(2)(D); and

(8) ~~[(B)]~~ except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall *provide* for ~~[allow]~~ a student to comply with the curriculum requirements for *an advanced English course under Subsection (b-1)(1) taken after successful completion of English I, English II, and English III, for an advanced [a] mathematics course under Subsection (b-1)(2) [(b-1)(1)]* taken after the successful completion of Algebra I and geometry, and *for any advanced [either after the successful completion of or concurrently with Algebra II or a] science course under Subsection (b-1)(3) [(b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics]* by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section 28.002(g-1) ~~[career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses].~~

(b-3) In adopting rules for purposes of Subsection (b-2) ~~[to provide students with the option described by Subsection (b-1)(1)(A)],~~ the State Board of Education must approve a variety of *advanced English, mathematics, and science courses that may be taken [after the completion of Algebra II and physics]* to comply with the *foundation high school [recommended]* program requirements, *provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.*

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) ~~[Subsection (b-1)(1)(A)]~~ in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.

(b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics ~~[to comply with the recommended program requirements in Subsection (b-1)(1)(A)].~~ A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.

(b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the *foundation [minimum, recommended, or advanced] high school program or for an endorsement under Subsection (c-1) [for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A)]* by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822. *Notwithstanding Subsection (b-15) or (c) of this section, Section 39.025, or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section 61.822, as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.*

(b-9) A school district, with the approval of the commissioner, may allow ~~[The agency shall establish a pilot program allowing]~~ a student ~~[attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality]~~ to satisfy the fine arts credit required under Subsection (b-1)(7) ~~[(b-1)(3)(A)]~~ by participating in a *community-based fine arts program* not provided by the school district in which the student is enrolled. *The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section 28.002(c). The fine arts program may be provided on or off a school campus and outside the regular school day. [Not later than December 1, 2010, the*

~~agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.]~~

(b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) ~~[(b-1)(3)(B)]~~ by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.

(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, *one credit in a course that is offered for credit as provided by Section 28.002(g-1)*, or one academic elective credit for the physical education credit required under Subsection (b-1)(8) ~~[(b-1)(3)(B)]~~. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:

(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee;

(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or

(3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.

(b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages.

(b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:

(1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and

(2) appropriate substitute courses for purposes of this subsection.

(b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:

(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee; or

(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.

(b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:

(1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);

(2) *four credits in science, which must include the courses described by Subsection (b-1)(3);*

(3) *the remaining curriculum requirements under Subsection (b-1); and*

(4) *the curriculum requirements for at least one endorsement under Subsection (c-1).*

(b-16) *A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.*

(b-17) *The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.*

(b-18) *In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.*

(b-19) *In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.*

(c-1) *A student may earn an endorsement on the student's diploma and transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:*

(1) *science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, engineering, and advanced mathematics;*

(2) *business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;*

(3) *public services, which includes courses directly related to health sciences and occupations, education and training, law enforcement, and culinary arts and hospitality;*

(4) *arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and*

(5) *multidisciplinary studies, which allows a student to:*

(A) *select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and*

(B) *earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.*

(c-2) *In adopting rules under Subsection (c-1), the State Board of Education shall:*

(1) *require a student in order to earn any endorsement to successfully complete:*

(A) *four credits in mathematics, which must include:*

(i) *the courses described by Subsection (b-1)(2); and*

(ii) *an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;*

(B) *four credits in science, which must include:*

(i) *the courses described by Subsection (b-1)(3); and*

(ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and

(C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and

(2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

(c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.

(c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.

(c-5) A student may earn a performance acknowledgment on the student's diploma and transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:

(1) for outstanding performance:

(A) in a dual credit course;

(B) in bilingualism and biliteracy;

(C) on a college advanced placement test or international baccalaureate examination; or

(D) on the PSAT, the ACT-Plan, the SAT, or the ACT; or

(2) for earning a nationally or internationally recognized business or industry certification or license.

(e) Each school district shall report the academic achievement record of students who have completed the foundation ~~[a minimum, recommended, or advanced]~~ high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly ~~[differentiate between each of the high school programs and]~~ identify whether a student received a diploma or a certificate of coursework completion.

(e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the diploma and transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.

(e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:

(1) enrolled in the foundation high school program;

(2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and

(3) enrolled in a program to earn an endorsement described by Subsection (c-1).

(e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29.

(h) *The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014–2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014–2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:*

(1) *the foundation high school program, if the student chooses during the 2014–2015 school year to take courses under this program;*

(2) *the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014–2015 school year;*

(3) *the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014–2015 school year; or*

(4) *the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014–2015 school year.*

(h–1) *This subsection and Subsection (h) expire September 1, 2018.*

(h–2) *This subsection applies only to a student participating in the minimum, recommended, or advanced high school program who is completing the fourth year of high school during the 2013–2014 school year. The commissioner by rule shall permit a student who does not satisfy the curriculum requirements of the high school program in which the student is participating to graduate if the student satisfies the curriculum requirements established for the foundation high school program under this section as amended by H.B. No. 5, 83rd Legislature, Regular Session, 2013, and any other requirement required for graduation. This subsection expires September 1, 2015.*

(b) Except as provided by Subsection (c) of this section, this section applies beginning with the 2014–2015 school year.

(c) Section 28.025(h–2), Education Code, as added by this section, applies during the 2013–2014 school year.

SECTION 17. (a) Section 28.0253(e), Education Code, is amended to read as follows:

(e) A student who receives a high school diploma through the pilot program is considered to have earned a distinguished level of achievement under ~~[completed]~~ the foundation ~~[recommended]~~ high school program adopted under Section 28.025 ~~[28.025(a)]~~. The student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the program. *The student may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student earns a diploma through the pilot program.*

(b) This section applies beginning with the 2014–2015 school year.

SECTION 18. (a) Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026. NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE ADMISSION AND FINANCIAL AID. (a) The board of trustees of a school district *and the governing body of each open-enrollment charter school that provides a high school* shall require each high school in the district *or provided by the charter school, as applicable,* to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission *and stating the curriculum requirements for financial aid authorized under Title 3.* To assist in the dissemination of that ~~[this]~~ information, the ~~[school]~~ district *or charter school* shall:

(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803 *and the curriculum requirements for financial aid authorized under Title 3;*

(2) provide each district or school student, at the time the student first registers for one or more classes required for high school graduation, with a written notification, *including a detailed explanation in plain language*, of the substance of Section 51.803, *the curriculum requirements for financial aid authorized under Title 3, and the benefits of completing the requirements for that automatic admission and financial aid*;

(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(4) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each ~~eligible~~ senior student *eligible* under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

(b) The commissioner shall adopt forms, *including specific language*, to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district or open-enrollment charter school shall use the appropriate form adopted by the commissioner. The notice to a student and the student's parent or guardian under Subsections (a)(2) and (4) ~~(Subsection (a)(4))~~ must be on a single form that *contains* ~~may contain one or more~~ signature lines to indicate receipt of notice by the student and ~~or~~ the student's parent or guardian. *The notice under Subsection (a)(2) must be signed by the student's counselor in addition to being signed by the student and the student's parent or guardian.*

(b) This section applies beginning with the 2014–2015 school year.

SECTION 19. (a) Sections 28.027(a) and (b), Education Code, are amended to read as follows:

(a) In this section, “applied STEM course” means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education or technology applications curriculum.

(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the *foundation* ~~recommended~~ high school program ~~imposed~~ under Section 28.025 ~~[28.025(b-1)(A)]~~ through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the *foundation* ~~recommended~~ high school program ~~[and completed during the student's fourth year of mathematics or science course work]~~. ~~[The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II.]~~ The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology ~~[and chemistry and after successful completion of or concurrently with physics]~~.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 20. Section 29.081, Education Code, is amended by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (d) to read as follows:

(b-1) *Each school district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.*

(b-2) *A district that is required to provide accelerated instruction under Subsection (b-1) shall separately budget sufficient funds, including funds under Section 42.152, for that purpose. A district may not budget funds received under Section 42.152 for any other purpose until the district adopts a budget to support additional accelerated instruction under Subsection (b-1).*

(b-3) *A district shall evaluate the effectiveness of accelerated instruction programs under Subsection (b-1) and annually hold a public hearing to consider the results.*

(d) For purposes of this section, “student at risk of dropping out of school” includes each student who is under 26 [21] years of age and who:

- (1) was not advanced from one grade level to the next for one or more school years;
- (2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
- (3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
- (4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
- (5) is pregnant or is a parent;
- (6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;
- (7) has been expelled in accordance with Section 37.007 during the preceding or current school year;
- (8) is currently on parole, probation, deferred prosecution, or other conditional release;
- (9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
- (10) is a student of limited English proficiency, as defined by Section 29.052;
- (11) is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
- (12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or
- (13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

SECTION 21. (a) Section 29.096(e), Education Code, is amended to read as follows:

(e) The commissioner shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:

- (1) limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;
- (2) have as a primary goal graduation from high school [~~under at least the recommended high school program~~];
- (3) provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;
- (4) include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;
- (5) serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);
- (6) allocate not more than 15 percent of grant funds and matching funds, as determined by the commissioner, to administrative expenses;
- (7) include matching funds from any of the participating entities; and
- (8) include any other requirements as determined by the council.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 22. Section 29.182(b), Education Code, is amended to read as follows:

(b) The state plan must include procedures designed to ensure that:

(1) all secondary and postsecondary students have the opportunity to participate in career and technology education programs;

(2) the state complies with requirements for supplemental federal career and technology education funding; ~~and~~

(3) career and technology education is established as a part of the total education system of this state and constitutes an option for student learning that provides a rigorous course of study consistent with the required curriculum under Section 28.002 and under which a student may receive specific education in a career and technology program that:

(A) incorporates competencies leading to academic and technical skill attainment;

(B) leads to:

(i) an industry-recognized license, credential, or certificate; or

(ii) at the postsecondary level, an associate or baccalaureate degree;

(C) includes opportunities for students to earn college credit for coursework; and

(D) includes, as an integral part of the program, participation by students and teachers in activities of career and technical student organizations supported by the agency and the State Board of Education; *and*

(4) a school district provides, to the greatest extent possible, to a student participating in a career and technology education program opportunities to enroll in dual credit courses designed to lead to a degree, license, or certification as part of the program.

SECTION 23. (a) Sections 29.190(a) and (c), Education Code, are amended to read as follows:

(a) A student is entitled to a subsidy under this section if:

(1) the student:

(A) successfully completes the career and technology program of a school district in which the student receives training and instruction for employment ~~[in a current or emerging high-demand, high-wage, high-skill occupation, as determined under Subsection (e)];~~ or

(B) is enrolled in a special education program under Subchapter A; *and*

(2) the student passes a certification examination to qualify for a license or certificate ~~[for the occupation]; and~~

~~[(3) the student submits to the district a written application in the form, time, and manner required by the district for the district to subsidize the cost of an examination described by Subdivision (2)].~~

(c) On approval by the commissioner, the agency shall pay each school district an amount equal to the cost paid by the district ~~[or student]~~ for the certification examination. To obtain reimbursement for a subsidy paid under this section, a district must:

(1) pay the fee for the examination ~~[or pay the student the amount of the fee paid by the student for the examination];~~ and

(2) submit to the commissioner a written application on a form prescribed by the commissioner stating the amount of the fee paid under Subdivision (1) for the certification examination.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 24. (a) Section 29.402(b), Education Code, is amended to read as follows:

(b) A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person:

(1) must complete not more than three course credits to complete the curriculum requirements for the *foundation* ~~[minimum, recommended, or advanced]~~ high school program~~[, as appropriate,]~~ for high school graduation; or

(2) has failed to perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 25. (a) Section 29.904(d), Education Code, is amended to read as follows:

(d) A plan developed under this section:

(1) must establish clear, achievable goals for increasing the percentage of the school district's graduating seniors, particularly the graduating seniors attending a high school described by Subsection (a), who enroll in an institution of higher education for the academic year following graduation;

(2) must establish an accurate method of measuring progress toward the goals established under Subdivision (1) that may include the percentage of district high school students and the percentage of students attending a district high school described by Subsection (a) who:

(A) are enrolled in a course for which a student may earn college credit, such as an advanced placement or international baccalaureate course or a course offered through concurrent enrollment in high school and at an institution of higher education;

(B) are enrolled in courses that meet the curriculum requirements for the *distinguished level of achievement under the foundation* [~~recommended or advanced~~] high school program as determined under Section 28.025;

(C) have submitted a free application for federal student aid (FAFSA);

(D) are exempt under Section 51.3062(p) or (q) from administration of an assessment instrument under Section 51.3062 or have performed successfully on an assessment instrument under Section 51.3062;

(E) graduate from high school;

(F) graduate from an institution of higher education; and

(G) have taken college entrance examinations and the average score of those students on the examinations;

(3) must cover a period of at least five years; and

(4) may be directed at district students at any level of primary or secondary education.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 26. (a) Section 31.0211(c), Education Code, is amended to read as follows:

(c) Subject to Subsection (d), funds allotted under this section may be used to:

(1) purchase:

(A) materials on the list adopted by the commissioner, as provided by Section 31.0231;

(B) instructional materials, regardless of whether the instructional materials are on the list adopted under Section 31.024;

(C) consumable instructional materials, including workbooks;

(D) instructional materials for use in bilingual education classes, as provided by Section 31.029;

(E) *instructional materials for use in college preparatory courses under Section 28.014, as provided by Section 31.031;*

(F) supplemental instructional materials, as provided by Section 31.035;

(G) [~~(F)~~] state-developed open-source instructional materials, as provided by Subchapter B–1;

(H) [~~(G)~~] instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011; and

(I) [~~(H)~~] technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; and

(2) pay:

(A) for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; and

(B) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 27. Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.0215 to read as follows:

Sec. 31.0215. INSTRUCTIONAL MATERIAL ALLOTMENT PURCHASES. (a) The commissioner shall, as early as practicable during each fiscal year, notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal year.

(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal year and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

(c) The commissioner shall make payments for orders placed under this section as funds become available to the instructional materials fund and shall prioritize payment of orders placed under this section over reimbursement of purchases made directly by a school district or open-enrollment charter school.

(d) The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. A publisher may decline to accept an order placed under this section.

(e) Chapter 2251, Government Code, does not apply to purchases of instructional materials under this section.

(f) The commissioner may adopt rules to implement this section.

SECTION 28. (a) Subchapter B, Chapter 31, Education Code, is amended by adding Section 31.031 to read as follows:

Sec. 31.031. COLLEGE PREPARATORY INSTRUCTIONAL MATERIALS. (a) A school district may purchase with the district's instructional materials allotment or otherwise acquire instructional materials for use in college preparatory courses under Section 28.014.

(b) The commissioner shall adopt rules regarding the purchase of instructional materials under this section.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 29. (a) The heading to Section 33.007, Education Code, is amended to read as follows:

Sec. 33.007. COUNSELING REGARDING POSTSECONDARY ~~[HIGHER]~~ EDUCATION.

(b) This section takes effect beginning with the 2014–2015 school year.

SECTION 30. (a) Sections 33.007(a) and (b), Education Code, are amended to read as follows:

(a) Each school counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding the importance of *postsecondary* ~~[higher]~~ education, coursework designed to prepare students for *postsecondary* ~~[higher]~~ education, and financial aid availability and requirements.

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during *each* ~~[a student's senior]~~ year of

a student's enrollment in high school or at the high school level, a school counselor shall provide information about *postsecondary* ~~[higher]~~ education to the student and the student's parent or guardian. The information must include information regarding:

- (1) the importance of *postsecondary* ~~[higher]~~ education;
- (2) the advantages of *earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation* ~~[recommended or advanced]~~ high school program ~~[adopted]~~ under Section 28.025 ~~[28.025(a)]~~;
- (3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
- (4) financial aid eligibility;
- (5) instruction on how to apply for federal financial aid;
- (6) the center for financial aid information established under Section 61.0776;
- (7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;
- (8) the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56; and
- (9) the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 31. (a) Section 39.023, Education Code, is amended by amending Subsections (a–2), (b), (c), (c–3), (e), and (h) and adding Subsections (b–1), (e–1), (e–2), and (e–3) to read as follows:

(a–2) *Except as required by federal law, a [A] student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:*

- (1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or
- (2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee, *including assessment instruments approved by the commissioner that measure growth. The assessment instruments developed or adopted under this subsection, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students under this subsection.*

(b–1) *The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument. Assessment instruments adopted or developed under this subsection shall be administered not later than the 2014–2015 school year.*

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, ~~[Algebra II, geometry,]~~ biology, ~~[chemistry, physics,]~~ English I, English II, ~~[English III, world geography, world history,]~~ and United States history. The Algebra I ~~[, Algebra II, and geometry]~~ end-of-course assessment instrument ~~[instruments]~~ must be administered with the aid of technology. *The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and*

writing in the same assessment instrument and must provide a single score. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection ~~[and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course]~~. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require:

(1) assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and

(2) the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I ~~and~~ English II ~~and English III~~ must be permitted to occur at an earlier date.

(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score. *During the 2014-2015 and 2015-2016 school years, the agency shall release the questions and answer keys to assessment instruments as described by this subsection each year.*

(e-1) Under rules adopted by the commissioner, for the 2012-2013 school year, the agency each year shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. This subsection expires December 31, 2013.

(e-2) Under rules adopted by the commissioner, for the 2013-2014 school year, the agency each year shall release the questions and answer keys to each assessment instrument administered under Subsection (b), (c), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument and any assessment instrument covering a subject or course for which the questions and answer keys for the 2012-2013 assessment instrument covering that subject or course were released, after the last time the instrument is administered for the 2013-2014 school year. This subsection expires December 31, 2014.

(e-3) Under rules adopted by the commissioner, for the 2013-2014 school year, the agency each year shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l) during the 2013-2014 school year after the last time any assessment instrument is administered for the 2013-2014 school year. This subsection expires December 31, 2014.

(h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section ~~[at the earliest possible date determined by the~~

~~State Board of Education but~~ not later than the 21st day after the date the assessment instrument is administered ~~[beginning of the subsequent school year]~~. The school district shall disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 32. (a) Section 39.0232, Education Code, is amended to read as follows:

Sec. 39.0232. **USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED.** (a) To the extent practicable, the agency shall ensure that any high school end-of-course assessment instrument developed by the agency is developed in such a manner that the assessment instrument may be used to determine the appropriate placement of a student in a course of the same subject matter at an institution of higher education.

(b) *A student's performance on an end-of-course assessment instrument may not be used:*

(1) *in determining the student's class ranking for any purpose, including entitlement to automatic college admission under Section 51.803 or 51.804; or*

(2) *as a sole criterion in the determination of whether to admit the student to a general academic teaching institution in this state.*

(c) *Subsection (b)(2) does not prohibit a general academic teaching institution from implementing an admission policy that takes into consideration a student's performance on an end-of-course assessment instrument in addition to other criteria.*

(d) *In this section, "general academic teaching institution" has the meaning assigned by Section 61.003.*

(b) This section applies beginning with the 2013–2014 school year.

SECTION 33. (a) Section 39.0233(a), Education Code, is amended to read as follows:

(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of Section 51.3062. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [39.113] and 51.3062.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 34. (a) Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0238 to read as follows:

Sec. 39.0238. **ADOPTION AND ADMINISTRATION OF POSTSECONDARY READINESS ASSESSMENT INSTRUMENTS.** (a) *In addition to other assessment instruments adopted and developed under this subchapter, the agency shall adopt or develop appropriate postsecondary readiness assessment instruments for Algebra II and English III that a school district may administer at the district's option.*

(b) *To the extent practicable, the agency shall ensure that each postsecondary readiness assessment instrument:*

(1) *assesses essential knowledge and skills and growth;*

(2) *is developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and*

(3) *is validated by national postsecondary education experts for college readiness content and performance standards.*

(c) *In adopting a schedule for the administration of postsecondary readiness assessment instruments under this section, the State Board of Education shall require the annual administration of the postsecondary readiness assessment instruments to occur not earlier than the second full week in May.*

(d) *The agency shall adopt a policy requiring each school district that elects to administer postsecondary readiness assessment instruments under Subsection (a) to annually:*

(1) administer the applicable postsecondary readiness assessment instrument to each student enrolled in a course for which a postsecondary readiness assessment instrument is adopted or developed under Subsection (a), including applied Algebra II; and

(2) report the results of the postsecondary readiness assessment instruments to the agency.

(e) The agency shall annually deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the legislature with jurisdiction over public education. The report must include a summary of student performance on the preceding year's postsecondary readiness assessment instruments.

(f) The results of a postsecondary readiness assessment instrument administered under this section may not be used by:

(1) the agency for accountability purposes for a school campus or school district;

(2) a school district:

(A) for the purpose of teacher evaluations; or

(B) in determining a student's final course grade or determining a student's class rank for the purpose of high school graduation; or

(3) an institution of higher education:

(A) for admission purposes; or

(B) to determine eligibility for a TEXAS grant.

(g) A school district may not administer an additional benchmark assessment instrument solely for the purpose of preparing for a postsecondary readiness assessment instrument administered under this section. In this subsection, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a postsecondary readiness assessment instrument administered under this section.

(h) The agency shall acknowledge a school district that elects to administer the postsecondary readiness assessment instruments as provided by Subsection (a).

(b) This section applies beginning with the 2015–2016 school year.

SECTION 35. (a) Section 39.025, Education Code, is amended by amending Subsections (a), (a–1), (b), and (b–2) and adding Subsection (a–4) to read as follows:

(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve ~~in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and~~ a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument listed under Section 39.023(c) that is administered to the student as provided by this subsection. For each scale score required under this subsection that is not based on a 100–point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100–point scale scoring system. ~~[A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student.]~~ A student may not receive a high school diploma until the student has performed satisfactorily on ~~the~~ end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

(a-1) A student enrolled in a college preparatory course under Section 28.014 who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c) administered at the end of the college preparatory course satisfies the requirements concerning an end-of-course assessment in an equivalent course as prescribed by Subsection (a). The commissioner ~~[by rule]~~ shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced ~~[another]~~ assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the ~~[determined by the commissioner to be at least as rigorous as an end-of-course]~~ assessment instrument shall ~~[adopted under Section 39.023(e) may]~~ be used to satisfy ~~[as a factor in determining whether the student satisfies]~~ the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by ~~[of]~~ Subsection (a), ~~[including the cumulative score requirement of that subsection]~~. The commissioner shall ~~[by rule may]~~ determine a method by which a student's satisfactory performance on the PSAT ~~[a Preliminary Scholastic Assessment Test (PSAT) assessment]~~ or the ACT-Plan shall ~~[a preliminary American College Test (ACT) assessment may]~~ be used to satisfy ~~[as a factor in determining whether the student satisfies]~~ the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by ~~[of]~~ Subsection (a). A student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument. A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate end-of-course assessment instrument. The commissioner shall adopt rules as necessary for the administration of this subsection.

(a-4) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.

(b) Each time an end-of-course assessment instrument adopted under Section 39.023(c) is administered, a student who failed to achieve a ~~[minimum]~~ score requirement under Subsection (a) may ~~[shall]~~ retake the assessment instrument. ~~[A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment instrument for any reason.]~~ A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the ~~[cumulative]~~ score requirement under Subsection (a) ~~[requirements]~~ for one or more end-of-course assessment instruments administered to the student as provided ~~[subjects prescribed]~~ by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner ~~[not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)]~~. A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative]~~ score requirement ~~[requirements]~~ prescribed by Subsection (a).

(b) This section applies beginning with the 2013–2014 school year.

SECTION 36. (a) Effective September 1, 2014, Section 39.025(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt rules requiring a student ~~[participating]~~ in the foundation ~~[recommended or advanced]~~ high school program under Section 28.025 to be adminis-

tered each end-of-course assessment instrument listed in Section 39.023(c) ~~[and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered].~~ A student is required to achieve ~~[in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and]~~ a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), ~~on each end-of-course assessment instrument listed under Section 39.023(c).~~ For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. ~~[A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student.]~~ A student may not receive a high school diploma until the student has performed satisfactorily on ~~[the]~~ end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 37. (a) Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0263 to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) *In this section, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.*

(b) *Except as provided by Subsection (c), a school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.*

(c) *The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.*

(d) *A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, may request administration to the student of additional benchmark assessment instruments.*

(b) This section applies beginning with the 2013–2014 school year.

SECTION 38. (a) Section 39.027, Education Code, is amended by adding Subsection (a–2) to read as follows:

(a–2) Unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Subsection (a)(1), (2), or (3).

(b) This section applies beginning with the 2013–2014 school year.

SECTION 39. Section 39.0301, Education Code, is amended by adding Subsection (a–1) to read as follows:

(a–1) In establishing procedures under Subsection (a)(1) for the administration of assessment instruments, the commissioner shall ensure that the procedures are designed to minimize disruptions to school operations and the classroom environment. In implementing the procedures established under Subsection (a)(1) for the administration of assessment

instruments, a school district shall minimize disruptions to school operations and the classroom environment.

SECTION 40. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.038 to read as follows:

Sec. 39.038. RESTRICTION ON APPOINTMENTS TO ADVISORY COMMITTEES. The commissioner may not appoint a person to a committee or panel that advises the commissioner or agency regarding state accountability systems under this title or the content or administration of an assessment instrument if the person is retained or employed by an assessment instrument vendor.

SECTION 41. (a) Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.039 to read as follows:

Sec. 39.039. PROHIBITION ON POLITICAL CONTRIBUTION OR ACTIVITY BY CERTAIN CONTRACTORS. (a) A person who is an agent of an entity that has been contracted to develop or implement assessment instruments required under Section 39.023 commits an offense if the person makes or authorizes a political contribution to or takes part in, directly or indirectly, the campaign of any person seeking election to or serving on the State Board of Education.

(b) A person who is an agent of an entity that has been contracted to develop or implement assessment instruments required under Section 39.023 commits an offense if the person serves as a member of a formal or informal advisory committee established by the commissioner, agency staff, or the State Board of Education to advise the commissioner, agency staff, or the State Board of Education regarding policies or implementation of the requirements of this subchapter.

(c) An offense under this section is a Class B misdemeanor.

(b) This section applies September 1, 2013.

SECTION 42. (a) Section 39.053, Education Code, is amended by amending Subsections (c) and (g-1) and adding Subsections (c-1) and (c-2) to read as follows:

(c) Indicators of student achievement adopted under this section must include:

(1) the results of assessment instruments required under Sections 39.023(a), (c), and (l), including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(A) for the performance standard determined by the commissioner under Section 39.0241(a):

(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area; and

(B) for the college readiness performance standard as determined under Section 39.0241:

(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area;

(2) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education; ~~and~~

(3) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);

(4) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;

(5) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1); and

(6) at least three additional indicators of student achievement to evaluate district and campus performance, which must include either:

(A) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c); or

(B) the number of students who earn:

(i) at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);

(ii) at least 30 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);

(iii) an associate's degree; or

(iv) an industry certification.

(c-1) An indicator adopted under Subsection (c) that would measure improvements in student achievement cannot negatively affect the commissioner's review of a school district or campus if that district or campus is already achieving at the highest level for that indicator.

(c-2) The commissioner by rule shall determine a method by which a student's performance may be included in determining the performance rating of a school district or campus under Section 39.054 if, before the student graduates, the student:

(1) satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c); or

(2) performs satisfactorily on an assessment instrument under Section 39.023(c), notwithstanding Subsection (d).

(g-1) In computing dropout and completion rates under Subsection (c)(2), the commissioner shall exclude:

(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;

(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

(3) students in attendance who are not in membership for purposes of average daily attendance;

(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);

(5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and

(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.

(b) This section applies beginning with the 2013-2014 school year.

SECTION 43. (a) Section 39.053(f), Education Code, is amended to read as follows:

(f) Annually, the commissioner shall define the state standard for the current school year for each student achievement indicator described by Subsection (c) and shall project the state standards for each indicator for the following two school years. The commissioner shall

periodically raise the state standards for the student achievement indicator described by Subsection (c)(1)(B)(i) for accreditation as necessary to reach the goals of achieving, by not later than the 2019–2020 school year:

- (1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and
 - (2) student performance, ~~[including the percentage of students graduating under the recommended or advanced high school program,]~~ with no significant achievement gaps by race, ethnicity, and socioeconomic status.
- (b) This section applies beginning with the 2014–2015 school year.

SECTION 44. (a) Section 39.054(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and ~~[not later than August 8 of each year,]~~ assign each district ~~[and campus]~~ a performance rating of A, B, C, D, or F. *In adopting rules under this subsection, the commissioner shall determine the criteria for each designated letter performance rating. A district performance rating of A, B, or C [that] reflects acceptable performance and a district performance rating of D or F reflects [or] unacceptable performance. The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. A district may not receive a performance rating of A if the district includes any campus with a performance rating of unacceptable. Not later than August 8 of each year, the performance rating of each district and campus shall be made publicly available as provided by rules adopted under this subsection. If a district or campus received a performance rating that reflected [of] unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.*

- (b) This section applies beginning with the 2016–2017 school year.

SECTION 45. (a) Section 39.054(b), Education Code, is amended to read as follows:

(b) In evaluating performance, the commissioner shall evaluate against state standards and consider the performance of each campus in a school district and each open-enrollment charter school on the basis of the campus's or school's performance on the student achievement indicators adopted under Section 39.053, *other than, to the greatest extent possible, the student achievement indicator adopted under Section 39.053(c)(1) [39.053(e)].*

- (b) This section applies beginning with the 2013–2014 school year.

SECTION 46. (a) Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0545 to read as follows:

Sec. 39.0545. SCHOOL DISTRICT EVALUATION OF PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT; COMPLIANCE. (a) Each school district shall evaluate the district's performance and the performance of each campus in the district in community and student engagement and in compliance as provided by this section and assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable for both overall performance and each individual evaluation factor listed under Subsection (b). Not later than August 8 of each year, the district shall report each performance rating to the agency and make the performance ratings publicly available as provided by commissioner rule.

(b) For purposes of assigning the performance ratings under Subsection (a), a school district must evaluate:

- (1) the following programs or specific categories of performance at each campus:*

- (A) fine arts;*
- (B) wellness and physical education;*
- (C) community and parental involvement, such as:*

- (i) opportunities for parents to assist students in preparing for assessments under Section 39.023;*

- (ii) tutoring programs that support students taking assessments under Section 39.023; and*
- (iii) opportunities for students to participate in community service projects;*
- (D) the 21st Century Workforce Development program;*
- (E) the second language acquisition program;*
- (F) the digital learning environment;*
- (G) dropout prevention strategies; and*
- (H) educational programs for gifted and talented students; and*
- (2) the record of the district and each campus regarding compliance with statutory reporting and policy requirements.*
- (c) A school district shall use criteria developed by a local committee to evaluate:*
 - (1) the performance of the district's campus programs and categories of performance under Subsection (b)(1); and*
 - (2) the record of the district and each campus regarding compliance under Subsection (b)(2).*

(b) This section applies beginning with the 2013–2014 school year.

SECTION 47. Section 39.056, Education Code, is amended by adding Subsection (f) to read as follows:

(f) A district which takes action with regard to the recommendations provided by the investigators as prescribed by Subsection (e) shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal oriented and research based.

SECTION 48. (a) Section 39.057(a), Education Code, is amended to read as follows:

(a) The commissioner shall authorize special accreditation investigations to be conducted:

- (1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
- (2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;
- (3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
- (4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;
- (5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;
- (6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;
- (7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);
- (8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;
- (9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);
- (10) ~~when excessive numbers of students graduate under the minimum high school program;~~

~~[(11)]~~ when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other *advanced* course as determined by the commissioner ~~[as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program];~~

(11) ~~[(12)]~~ when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) *when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);*

(13) *when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1); or*

(14) ~~[(13)]~~ as the commissioner otherwise determines necessary.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 49. (a) Section 39.082, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), (f), (g), (h), (h-1), and (i) to read as follows:

(a) The commissioner shall, in consultation with the comptroller, develop and implement separate financial accountability rating systems for school districts and open-enrollment charter schools in this state that:

(1) distinguish among school districts and distinguish among open-enrollment charter schools, as applicable, based on levels of financial performance; ~~[and]~~

(2) include procedures to:

(A) provide additional transparency to public education finance; and

(B) enable the commissioner and school district and open-enrollment charter school administrators to provide meaningful financial oversight and improvement; *and*

(3) *include processes for anticipating the future financial solvency of each school district and open-enrollment charter school, including analysis of district and school revenues and expenditures for preceding school years.*

(b) The system must include uniform indicators adopted by ~~[the]~~ commissioner *rule* by which to measure the financial management performance *and future financial solvency* of a district or open-enrollment charter school. *In adopting indicators under this subsection, the commissioner shall assign a point value to each indicator to be used in a scoring matrix developed by the commissioner. Any reference to a teacher in an indicator adopted by the commissioner under this subsection means a classroom teacher.*

(d) *The commissioner shall evaluate indicators adopted under Subsection (b) at least once every three years.*

(e) *Under the financial accountability rating system developed under this section, each school district or open-enrollment charter school, as applicable, shall be assigned a financial accountability rating. In adopting rules under this section, the commissioner, in consultation with the comptroller, shall determine the criteria for each designated performance rating.*

(f) *A district or open-enrollment charter school shall receive the lowest rating under the system if the district or school fails to achieve a satisfactory rating on:*

(1) *an indicator adopted under Subsection (b) relating to financial management or solvency that the commissioner determines to be critical; or*

(2) *a category of indicators that suggest trends leading to financial distress as determined by the commissioner.*

(g) *Before assigning a final rating under the system, the commissioner shall assign each district or open-enrollment charter school a preliminary rating. A district or school may submit additional information to the commissioner relating to any indicator on which performance was considered unsatisfactory. The commissioner shall consider any additional information submitted by a district or school before assigning a final rating. If the commissioner determines that the additional information negates the concern raised by the indicator on which performance was considered unsatisfactory, the commissioner may not penalize the district or school on the basis of the indicator.*

(h) The commissioner shall adopt rules for the implementation of this section.

(h-1) The commissioner shall adopt initial rules necessary to implement the changes to this section made by the 83rd Legislature, Regular Session, 2013, not later than March 1, 2015. This subsection expires April 1, 2015.

(i) Not later than August 8 of each year, the financial accountability rating of each school district and open-enrollment charter school under the financial accountability rating system developed under this section shall be made publicly available as provided by rules adopted under this section.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 50. (a) Section 39.0823, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) If the commissioner, based on the indicators adopted under Section 39.082 or other relevant information, projects a ~~[review process under Section 39.0822 indicates a projected]~~ deficit for a school district or open-enrollment charter school general fund within the following three school years, the agency ~~[district]~~ shall provide the district or school ~~[agency]~~ interim financial reports, including projected revenues and expenditures ~~[supplemented by staff and student count data, as needed]~~, to evaluate the ~~[district's]~~ current budget status of the district or school.

(d) The agency may require a district or open-enrollment charter school to submit additional information needed to produce a financial report under Subsection (a). If a district or school fails to provide information requested under this subsection or if the commissioner determines that the information submitted by a district or school is unreliable, the commissioner may order the district or school to acquire professional services as provided by Section 39.109.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 51. (a) Subchapter D, Chapter 39, Education Code, is amended by adding Section 39.0824 to read as follows:

Sec. 39.0824. **CORRECTIVE ACTION PLAN.** (a) A school district or open-enrollment charter school assigned the lowest rating under Section 39.082 shall submit to the commissioner a corrective action plan to address the financial weaknesses of the district or school. A corrective action plan must identify the specific areas of financial weaknesses, such as financial weaknesses in transportation, curriculum, or teacher development, and include strategies for improvement.

(b) The commissioner may impose appropriate sanctions under Subchapter E against a district or school failing to submit or implement a corrective action plan required under Subsection (a).

(b) This section applies beginning with the 2014–2015 school year.

SECTION 52. (a) Section 39.083(b), Education Code, is amended to read as follows:

(b) The annual financial management report must include:

(1) a description of the district's financial management performance based on a comparison, provided by the agency, of the district's performance on the indicators adopted under Section 39.082(b) to:

(A) state-established standards; and

(B) the district's previous performance on the indicators; and

(2) ~~[a description of the data submitted using the electronic-based program developed under Section 39.0822; and~~

~~[(3)]~~ any descriptive information required by the commissioner.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 53. (a) Section 39.201(a), Education Code, is amended to read as follows:

(a) Not later than August 8 of each year, the commissioner shall award distinction designations for outstanding performance as provided by ~~[under]~~ this subchapter. A distinction designation awarded to a district or campus under this subchapter shall be referenced directly in connection with the performance rating assigned to the district or

campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054(a).

(b) This section applies beginning with the 2013–2014 school year.

SECTION 54. (a) Section 39.202, Education Code, is amended to read as follows:

Sec. 39.202. **ACADEMIC ~~[EXCELLENCE]~~ DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES.** The commissioner by rule shall establish ~~[a recognized and exemplary rating for awarding districts and campuses]~~ an academic distinction designation for *districts and campuses for outstanding performance in attainment of postsecondary readiness [under this subchapter].* ~~The [In establishing the recognized and exemplary ratings, the]~~ commissioner shall adopt criteria for the *designation under this section [ratings],* including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) *students who earned a nationally or internationally recognized business or industry certification or license;*

(B) *students who completed a coherent sequence of career and technical courses;*

(C) *students who completed a dual credit course or an articulated postsecondary course provided for local credit;*

(D) *students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT–Plan assessment program; and*

(E) *students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and*

(3) ~~[(2)]~~ other factors for determining sufficient student attainment of postsecondary readiness.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 55. (a) Section 39.203, Education Code, is amended to read as follows:

Sec. 39.203. **CAMPUS DISTINCTION DESIGNATIONS.** (a) The commissioner shall award a campus a distinction designation *for outstanding performance in improvement in student achievement* if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement as determined under Section 39.034.

(b) In addition to the distinction designation described by Subsection (a), the commissioner shall award a campus a distinction designation *for outstanding performance in closing student achievement differentials* if the campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and is ranked in the top 25 percent of campuses in this state under the performance criteria described by this subsection. The commissioner shall adopt rules related to the distinction designation under this subsection to ensure that a campus does not artificially diminish or eliminate performance differentials through inhibiting the achievement of the highest achieving student subpopulation.

(c) In addition to the distinction designations described by Subsections (a) and (b), a campus that satisfies the criteria developed under Section 39.204 shall be awarded a distinction designation by the commissioner *for outstanding performance in [for the following programs or the following specific categories of performance;*

[~~(4)~~] academic achievement in English language arts, mathematics, science, or social studies[;]

[~~(2)~~ fine arts;

[~~(3)~~ physical education;

[~~(4)~~ 21st Century Workforce Development program; and

[~~(5)~~ second language acquisition program].

(d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation *for outstanding performance in advanced middle or junior high school student achievement* to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).

(b) This section applies beginning with the 2013–2014 school year.

SECTION 56. (a) Section 39.235(b), Education Code, is amended to read as follows:

(b) Before awarding a grant under this section, the commissioner may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 or 28.02121, as applicable, for each student enrolled at the campus or in a district middle, junior high, or high school.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 57. (a) Section 39.301(c), Education Code, is amended to read as follows:

(c) Indicators for reporting purposes must include:

(1) the percentage of graduating students who meet the course requirements established by State Board of Education rule for:

(A) the foundation [~~minimum~~] high school program;

(B) [~~–~~] the distinguished level of achievement under the foundation [~~recommended~~] high school program;[~~–~~] and

(C) each endorsement described by Section 28.025(c–1) [~~the advanced high school program~~];

(2) the results of the SAT, ACT, articulated postsecondary degree programs described by Section 61.852, and certified workforce training programs described by Chapter 311, Labor Code;

(3) for students who have failed to perform satisfactorily, under each performance standard under Section 39.0241, on an assessment instrument required under Section 39.023(a) or (c), the performance of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(4) for each campus, the number of students, disaggregated by major student subpopulations, that [~~agree under Section 28.025(b) to~~] take courses under the foundation [~~minimum~~] high school program and take additional courses to earn an endorsement under Section 28.025(c–1), disaggregated by type of endorsement;

(5) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023;

(6) the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(1) and (2);

(7) the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b);

- (8) the percentage of students who satisfy the college readiness measure;
 - (9) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052;
 - (10) the percentage of students who are not educationally disadvantaged;
 - (11) the percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
 - (12) the percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.
- (b) This section applies beginning with the 2014–2015 school year.

SECTION 58. Subchapter J, Chapter 39, Education Code, is amended by adding Section 39.309 to read as follows:

Sec. 39.309. TEXAS SCHOOL ACCOUNTABILITY DASHBOARD. (a) The agency shall develop and maintain an Internet website, separate from the agency's Internet website, to be known as the Texas School Accountability Dashboard for the public to access school district and campus accountability information.

(b) The commissioner shall adopt, for use on the Texas School Accountability Dashboard, a performance index in each of the following areas:

- (1) student achievement;*
- (2) student progress;*
- (3) closing performance gaps; and*
- (4) postsecondary readiness.*

(c) The Texas School Accountability Dashboard developed under Subsection (a) must include:

- (1) performance information for each school district and campus in areas specified by Subsection (b) and must allow for comparison between districts and campuses in each of the areas;*
- (2) a comparison of the number of students enrolled in each school district, including:*
 - (A) the percentage of students of limited English proficiency, as defined by Section 29.052;*
 - (B) the percentage of students who are unschooled asylees or refugees, as defined by Section 39.027(a–1);*
 - (C) the percentage of students who are educationally disadvantaged; and*
 - (D) the percentage of students with disabilities;*
- (3) a comparison of performance information for each district and campus disaggregated by race, ethnicity, and populations served by special programs, including special education, bilingual education, and special language programs; and*
- (4) a comparison of performance information by subject area.*

SECTION 59. (a) Section 39.332(b), Education Code, is amended by amending Subdivision (23) and adding Subdivision (24) to read as follows:

(23) The report must contain an evaluation of the availability of endorsements under Section 28.025(c–1), including the following information for each school district:

- (A) the endorsements under Section 28.025(c–1) for which the district offers all courses for curriculum requirements as determined by board rule; and*
- (B) the district's economic, geographic, and demographic information, as determined by the commissioner.*

(24) The report must contain any additional information considered important by the commissioner or the State Board of Education.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 60. (a) Subchapter L, Chapter 39, Education Code, is amended by adding Section 39.363 to read as follows:

Sec. 39.363. NOTICE ON AGENCY WEBSITE. Not later than October 1 of each year, the agency shall make the following information available to the public on the agency's Internet website:

(1) the letter performance rating assigned to each school district and campus under Section 39.054 and each distinction designation awarded to a school district or campus under Subchapter G;

(2) the performance rating assigned to a school district and each campus in the district by the district under Section 39.0545; and

(3) the financial accountability rating assigned to each school district and open-enrollment charter school under Section 39.082.

(b) This section applies beginning with the 2013–2014 school year.

[The bill does not contain a SECTION 61.]

SECTION 62. (a) Section 51.3062(q-1), Education Code, is amended to read as follows:

(q-1) A student who has ~~[completed a recommended or advanced high school program as determined under Section 28.025 and]~~ demonstrated the performance standard for college readiness as provided by Section 28.008 ~~[39.024]~~ on the *postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III* ~~[end-of-course assessment instruments]~~ is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid.

(b) This section applies beginning with the 2015–2016 school year.

SECTION 63. (a) Section 51.3062, Education Code, is amended by adding Subsection (q-2) to read as follows:

(q-2) A student who successfully completes a college preparatory course under Section 28.014 is exempt from the requirements of this section with respect to the content area of the course. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid. The exemption applies only at the institution of higher education that partners with the school district in which the student is enrolled to provide the course, except that the commissioner by rule may determine the manner in which the exemption may be applied to institutions of higher education other than the partnering institution.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 64. (a) Section 51.803, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (m) to read as follows:

(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the *distinguished level of achievement under the foundation* ~~[recommended or advanced]~~ high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the *distinguished level of achievement under the foundation* ~~[recommended or advanced]~~ high school program; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section ~~54.241(d)~~ ~~54.058(d)~~ for the term or semester to which admitted.

(b) An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the *distinguished level of achievement under the foundation high school program* ~~[recommended or advanced]~~ curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate:

(1) whether the student has satisfied or is on schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or (ii), as applicable; or

(2) if Subsection (b) applies to the student, whether the student has completed the portion of the *distinguished level of achievement under the foundation high school program* ~~[recommended or advanced]~~ curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student.

(m) *The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a)(2)(A) for students participating under the recommended or advanced high school program so that the admission of those students is not affected by their participation in the recommended or advanced high school program. This subsection expires September 1, 2020.*

(b) This section applies beginning with the 2014–2015 school year.

SECTION 65. (a) Section 51.805, Education Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution if the student:

(1) *successfully completed* ~~[satisfies the requirements of]~~:

(A) *at a public high school, the curriculum requirements established under Section 28.025 for the foundation high school program; or*

(B) *at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation high school program* ~~[(1) Section 51.803(a)(2)(A) or 51.803(b), as applicable to the student, or Section 51.803(a)(2)(B)]; or [and]~~

(2) *satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent* ~~[Sections 51.803(c)(2) and 51.803(d)]~~.

(g) *The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a)(1) for students participating in the minimum, recommended, or advanced high school program so that the admission requirements for those students under this section are not more stringent than the admission requirements under this section for students participating in the foundation high school program. This subsection expires September 1, 2020.*

(b) This section applies beginning with the 2014–2015 school year.

SECTION 66. (a) Section 51.807(b), Education Code, is amended to read as follows:

(b) The Texas Higher Education Coordinating Board, after consulting with the Texas Education Agency, by rule shall establish standards for determining for purposes of this subchapter:

(1) whether a private high school is accredited by a generally recognized accrediting organization; and

(2) whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the *foundation* ~~[recommended or advanced]~~ high school program or the *distinguished level of achievement under the foundation high school program*.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 67. (a) Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.009 to read as follows:

Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS. To the extent that a person's eligibility to participate in any program under this chapter, including Subchapters K, Q, and R, is contingent on the person graduating under the recommended or advanced high school program, as those programs existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, the Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to modify, clarify, or otherwise establish for affected programs appropriate eligibility requirements regarding high school curriculum completion.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 68. (a) Section 56.3041, Education Code, is amended to read as follows:

Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION. (a) Notwithstanding Section 56.304(a), to be eligible initially for a TEXAS grant, a person graduating from high school on or after May 1, 2013, and enrolling in a general academic teaching institution must:

- (1) be a resident of this state as determined by coordinating board rules;
- (2) meet the academic requirements prescribed by Paragraph (A), (B), or (C) as follows:
 - (A) be a graduate of a public or accredited private high school in this state who completed the *foundation* ~~[recommended]~~ high school program established under Section 28.025 or its equivalent and have accomplished any two or more of the following:
 - (i) ~~[graduation under the advanced high school program established under Section 28.025 or its equivalent,]~~ successful completion of the course requirements of the international baccalaureate diploma program~~],~~ or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Sections 28.009(a)(1), (2), and (3);
 - (ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the coordinating board under Section 51.3062(f) on any assessment instrument designated by the coordinating board under Section 51.3062(c) ~~[or (e)]~~ or qualification for an exemption as described by Section 51.3062(p), (q), or (q–1);
 - (iii) graduation in the top one-third of the person's high school graduating class or graduation from high school with a grade point average of at least 3.0 on a four-point scale or the equivalent; or
 - (iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course~~], as permitted by Section 28.025(b–3),]~~ or at least one advanced career and technical or technology applications course~~], as permitted by Section 28.025(b–2);]~~
 - (B) have received an associate degree from a public or private institution of higher education; or
 - (C) if sufficient money is available, meet the eligibility criteria described by Section 56.304(a)(2)(A);
- (3) meet financial need requirements established by the coordinating board;
- (4) be enrolled in an undergraduate degree or certificate program at the general academic teaching institution;
- (5) except as provided under rules adopted under Section 56.304(h), be enrolled as:

(A) an entering undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 16th month after the calendar month in which the person graduated from high school;

(B) an entering undergraduate student who entered military service not later than the first anniversary of the date the person graduated from high school and who enrolled for at least three-fourths of a full course load, as determined by the coordinating board, at the general academic teaching institution not later than 12 months after being honorably discharged from military service; or

(C) a continuing undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 12th month after the calendar month in which the person received an associate degree from a public or private institution of higher education;

(6) have applied for any available financial aid or assistance; and

(7) comply with any additional nonacademic requirements adopted by the coordinating board under this subchapter.

(b) For purposes of Subsection (a)(2)(A), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum requirements of Section 51.803(a)(2)(A)(i). This subsection expires September 1, 2020.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 69. (a) Section 61.0517(a), Education Code, is amended to read as follows:

(a) In this section, “applied STEM course” means an applied science, technology, engineering, or mathematics course offered as part of a school district’s career and technology education or *technology applications* curriculum and approved, as provided by Section 28.027, by the State Board of Education for purposes of satisfying the mathematics and science curriculum requirements for the *foundation* ~~recommended~~ high school program ~~imposed~~ under Section 28.025 ~~[28.025(b–1)(1)(A)]~~.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 70. (a) Section 61.792(b), Education Code, is amended to read as follows:

(b) To qualify for a scholarship under this section, a student must:

(1) have graduated with a grade point average in the top 20 percent of the student’s high school graduating class;

(2) have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the *foundation* ~~recommended or advanced~~ high school program under Section 28.025 ~~[28.025(a)]~~; and

(3) maintain an overall grade point average of at least 3.0 on a four-point scale at the general academic teaching institution or the private or independent institution of higher education in which the student is enrolled.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 71. (a) Section 61.852(a), Education Code, is amended to read as follows:

(a) A tech-prep program is a program of study that:

(1) combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study based on the *foundation* ~~recommended~~ high school program adopted by the State Board of Education under Section 28.025 ~~[28.025(a)]~~;

(2) integrates academic instruction and vocational and technical instruction;

(3) uses work-based and worksite learning where available and appropriate;

(4) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

(5) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics and integrated instruction in a coherent sequence of courses;

(6) leads to an associate degree, two-year postsecondary certificate, or postsecondary two-year apprenticeship with provisions, to the extent applicable, for students to continue toward completion of a baccalaureate degree; and

(7) leads to placement in appropriate employment or to further education.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 72. (a) Section 61.855(d), Education Code, is amended to read as follows:

(d) A tech-prep program must:

(1) be implemented under an articulation agreement between the participants in the consortium;

(2) consist of two to four years of secondary school preceding graduation and:

(A) two or more years of higher education; or

(B) two or more years of apprenticeship following secondary instruction;

(3) have a common core of required proficiency based on the *foundation* [recommended] high school program adopted by the State Board of Education under Section 28.025 [28.025(a)], with proficiencies in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or postsecondary certificate in a specific career field;

(4) include the development of tech-prep program curricula for both secondary and postsecondary participants in the consortium that:

(A) meets academic standards developed by the state;

(B) links secondary schools and two-year postsecondary institutions, and, if practicable, four-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep students to enroll concurrently in secondary and postsecondary course work;

(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

(D) uses educational technology and distance learning, as appropriate, to involve each consortium participant more fully in the development and operation of programs;

(5) include in-service training for teachers that:

(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

(B) provides for joint training for teachers in the tech-prep consortium;

(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and of all aspects of an industry;

(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

(E) provides training in the use and application of technology;

(6) include training programs for counselors designed to enable counselors to more effectively:

(A) provide information to students regarding tech-prep programs;

(B) support student progress in completing tech-prep programs;

(C) provide information on related employment opportunities;

(D) ensure that tech-prep students are placed in appropriate employment; and

(E) stay current with the needs, expectations, and methods of business and of all aspects of an industry;

(7) provide equal access to the full range of tech-prep programs for individuals who are members of special populations, including by the development of tech-prep program services appropriate to the needs of special populations; and

(8) provide for preparatory services that assist participants in tech-prep programs.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 73. (a) Section 61.861(c), Education Code, is amended to read as follows:

(c) A course developed for purposes of this section must:

(1) provide content that enables a student to develop the relevant and critical skills needed to be prepared for employment or additional training in a high-demand occupation;

(2) incorporate college and career readiness skills as part of the curriculum;

(3) be offered for dual credit; and

(4) satisfy a mathematics or science requirement under the *foundation* [~~recommended or advanced~~] high school program as determined under Section 28.025.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 74. (a) Section 61.864, Education Code, is amended to read as follows:

Sec. 61.864. REVIEW OF COURSES. Courses for which a grant is awarded under this subchapter shall be reviewed by the commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, once every four years to determine whether the course:

(1) is being used by public educational institutions in this state;

(2) prepares high school students with the skills necessary for employment in the high-demand occupation and further postsecondary study; and

(3) satisfies a mathematics or science requirement for the *foundation* [~~recommended or advanced~~] high school program as determined under Section 28.025.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 75. (a) Section 78.10(b), Education Code, is amended to read as follows:

(b) The Texas Academy of Mathematics and Science is a division of The University of Texas at Brownsville and is under the management and control of the board. The academy serves the following purposes:

(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:

(A) allows students to complete high school graduation requirements [~~including requirements adopted under Section 28.025~~] for the *foundation* [~~advanced~~] high school program and the distinguished level of achievement under the *foundation* high school program and earn appropriate endorsements as provided by Section 28.025, while attending for academic credit a public institution of higher education;

(B) fosters students' knowledge of real-world mathematics and science issues and applications and teaches students to apply critical and computational thinking and problem-solving skills to those issues and problems;

(C) includes the study of English, foreign languages, social studies, mathematics, science, and technology; and

(D) offers students learning opportunities related to mathematics and science through in-depth research and field-based studies;

(2) to provide students with an awareness of mathematics and science careers and professional development opportunities through seminars, workshops, collaboration with postsecondary and university students including opportunities for summer studies, internships in foreign countries, and similar methods; and

(3) to provide students with social development activities that enrich the academic curriculum and student life, including, as determined appropriate by the academy, University Interscholastic League activities and other extracurricular activities.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 76. (a) Section 87.505(b), Education Code, is amended to read as follows:

(b) The Texas Academy of International Studies is a division of Texas A&M International University and is under the management and control of the board. The academy serves the following purposes:

(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:

(A) allows students to complete high school graduation requirements~~[, including requirements adopted under Section 28.025]~~ for the *foundation* ~~[advanced]~~ high school program *and the distinguished level of achievement under the foundation high school program and earn appropriate endorsements as provided by Section 28.025*, while attending for academic credit a public institution of higher education;

(B) fosters students' knowledge of real-world international issues and problems and teaches students to apply critical thinking and problem-solving skills to those issues and problems;

(C) includes the study of English, foreign languages, social studies, anthropology, and sociology;

(D) is presented through an interdisciplinary approach that introduces and develops issues, especially issues related to international concerns, throughout the curriculum; and

(E) offers students learning opportunities related to international issues through in-depth research and field-based studies;

(2) to provide students with an awareness of international career and professional development opportunities through seminars, workshops, collaboration with postsecondary students from other countries, summer academic international studies internships in foreign countries, and similar methods; and

(3) to provide students with social development activities that enrich the academic curriculum and student life, including, as determined appropriate by the academy, University Interscholastic League activities and other extracurricular activities generally offered by public high schools.

(b) This section applies beginning with the 2014–2015 school year.

SECTION 77. (a) Section 130.008, Education Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) A ~~[Except as provided by Subsection (d–1), a]~~ public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district.

(f) Except as provided by this section, a student may not enroll in more than three courses under this section at a junior college if the junior college does not have a service area that includes the student's high school. A student enrolled at an early college high school may enroll in a greater number of courses to the extent approved by the commissioner of education.

(b) This section applies beginning with the 2013–2014 school year.

SECTION 78. (a) Effective September 1, 2013, the following sections of the Education Code are repealed:

- (1) Sections 29.190(b), (d), and (e);
- (2) Sections 39.024(b), (c), (d), (e), (f), (g), and (h);
- (3) Section 39.0241(a–2);
- (4) Section 39.0242;
- (5) Sections 39.025(a–2) and (a–3); and
- (6) Section 130.008(d–1).

(b) Effective September 1, 2014, the following provisions of the Education Code are repealed:

- (1) Section 28.002(q);

- (2) Sections 28.0212(e) and (g);
- (3) Sections 28.025(b–6), (b–8), and (g);
- (4) Section 39.0822; and
- (5) Sections 39.0823(b) and (c).

SECTION 79. (a) Except as provided by Subsection (b) of this section, Section 39.025, Education Code, as amended by Sections 35 and 36 of this Act, as related to reducing end-of-course testing requirements, applies only to students who have entered or will enter the ninth grade during the 2011–2012 school year or a later school year.

(b) Students who have entered the ninth grade during or after the 2011–2012 school year and before the 2013–2014 school year may be administered only those end-of-course assessment instruments that would have been administered to those students under Section 39.025, Education Code, as amended by Section 35 of this Act, and Section 39.025, Education Code, as amended by Section 35 of this Act, is continued in effect for purposes of satisfying those end-of-course testing requirements.

(c) The commissioner of education may by rule adopt a transition plan to implement the amendments made by this Act relating to end-of-course testing requirements during the 2013–2014 and 2014–2015 school years.

SECTION 80. Not later than October 1, 2013, the commissioner of education shall adopt rules to administer Section 39.025(a–1), Education Code, as amended by this Act.

SECTION 81. Section 39.027(a–2), Education Code, as added by this Act, applies to a student regardless of the date on which the student initially enrolled in a school in the United States.

SECTION 82. If, on September 1, 2013, a person is serving on a committee or panel that advises the commissioner of education or the Texas Education Agency who would not be eligible for appointment under Section 39.038, Education Code, as added by this Act, the person's position on the committee or panel becomes vacant and shall be filled in accordance with applicable law.

SECTION 83. (a) The Texas Education Agency, in collaboration with the Texas Higher Education Coordinating Board and the Texas Workforce Commission, shall, through an external evaluator at a center for education research authorized by Section 1.005, Education Code, evaluate the implementation of the changes made by this Act to the curriculum requirements for high school graduation. The evaluation must include an estimation of this Act's effect on high school graduation rates, college readiness, college admissions, college completion, obtainment of workforce certificates, employment rates, and earnings.

(b) The commissioner of education shall submit an initial report regarding the review to the governor, lieutenant governor, and members of the legislature not later than December 1, 2015. The commissioner of education shall submit a final report regarding the review to the governor, lieutenant governor, and members of the legislature not later than December 1, 2017.

SECTION 84. Except as otherwise provided by this Act:

- (1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and
- (2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on March 27, 2013: Yeas 147, Nays 2, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 5 on May 10, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 5 on May 26, 2013: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 6, 2013: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 5 on May 26, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013, except as otherwise provided by this Act.

CHAPTER 212

H.B. No. 809

AN ACT

relating to the dissemination of information regarding employment opportunities in this state to secondary school students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.014 to read as follows:

Sec. 302.014. EMPLOYMENT INFORMATION FOR SECONDARY SCHOOL STUDENTS. (a) The commission shall provide the Texas Education Agency with information at least each quarter regarding current and projected employment opportunities in this state, disaggregated by county or other appropriate region.

(b) The Texas Education Agency shall provide the information obtained under Subsection (a) to school districts for use in local planning and implementation of career and technical education and training programs.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 17, 2013: Yeas 31, Nays 0.

Approved June 10, 2013.

Effective September 1, 2013.

CHAPTER 213

H.B. No. 842

AN ACT

relating to the provision of certain opportunities to career and technical students by public school districts under the college credit program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 28.009, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A program implemented under this section may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

(1) that:

(A) satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree; and

(B) is approved by the Texas Higher Education Coordinating Board; and

(2) for which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

SECTION 2. This Act applies beginning with the 2013–2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.